



Havant
BOROUGH COUNCIL

Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX

T 023 9247 4174
F 023 9248 0263

www.havant.gov.uk

To:
Mr C Flint
Chris Flint Associates Ltd
2 Emerald Close
Waterlooville
PO7 8NZ

For: Mr Jaldeep Narula

**The Town and Country Planning (Development Management Procedure) (England)
Order 2015
Refusal of Planning Permission**

Application Number: APP/19/00198

Site Address: 39 Creek Road, Hayling Island, PO11 9QZ

Proposal: Prior notification for change of use from retail use (Class A1/ A2) or a mixed retail and residential use to C3 residential use subject to prior approval covering flooding, highways and transport issues, contamination and impact on adequate provision of services falling within A1/ A2 and sustainability of the shopping area, where applicable; additionally any operational development necessary for conversion is subject to prior approval of design and external appearance.

Further to your application received on 14 February 2019 (which was valid from 25 February 2019) Havant Borough Council, as Local Planning Authority, **Refuses Planning Permission** for the above proposal.

The reason(s) for the Council's decision to refuse planning permission is/are:

- 1 The location of the application site adjacent to a commercial garage use dating from before 1949 with associated contamination activities results in a reasonable prospect of the building the subject of this application lying on or adjacent to contaminated land.

No empirical soil quality analysis has been undertaken in connection with the application to assess the suitability of the land or building for residential use, given these environmental constraints. That being the case, and on the basis of the information available to the Local Planning Authority, it is considered that there is a reasonable prospect of the site comprising contaminated land and as such, as set out under Part 3, W (10) (c) of the Town and Country Planning (General Permitted Development) Order 2015 as amended (Procedure for applications for prior approval under Part 3), and supplemented by Paragraphs 178 and 179 of the National Planning Policy Framework 2018 and Policies DM17 and DM18 of the Havant Borough Local Plan (Allocations) 2014, this prior approval application should be refused.

In coming to its decision the Council considered plans and other documents submitted with regard to your application and the relevant policies of the Havant Borough Local Plan and other

Our Ref: APP/19/00198

Other Important Information:

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pcs

Simon Jenkins

Simon Jenkins
Interim Director of Regeneration and Place

08 April 2019